

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MARIE MOORE,

Plaintiff,

-against-

DIVERSIFIED COLLECTION SERVICES, INC.,

Defendant.
-----X

MEMORANDUM AND ORDER

07-CV-00397 (ENV) (VVP)

VITALIANO, D.J.

Plaintiff Marie Moore brought this action on January 29, 2007 against defendant Diversified Collection Services, Inc. ("Diversified") alleging violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* After five years of litigation, Moore agreed to dismiss all claims against Diversified in exchange for a settlement of \$4,001.00 plus "reasonable attorney's fees and costs." Moore accepted Diversified's Rule 68 Offer of Judgment on March 2, 2012, (Notice of Acceptance with Offer of Judgment (Dkt. No. 74)), and the Court entered judgment on March 16. (Judgment (Dkt. No. 75)).

Following entry of judgment, the parties were unable to reach an agreement on various issues regarding attorney's fees, including the hourly rate requested by plaintiff's counsel Amir J. Goldstein, the adequacy of Goldstein's billing records, whether time spent on unsuccessful motions merited recovery, and related considerations. They proceeded to brief the issue before Magistrate Judge Viktor V. Pohorelsky. On March 19, 2013, Judge Pohorelsky issued a Report and Recommendation ("R&R") awarding plaintiff's counsel \$51,801.75 in attorney's fees and \$2,342.67 in costs, in addition to the stipulated award to plaintiff of \$4,001.00. (Dkt. No. 81).

Neither party submitted objections to the R&R prior to the April 2, 2013 deadline for doing so, nor has any party since sought permission to file a late obligation.

In reviewing an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge’s R&R where no timely objection has been made, as in this case, the “court need only satisfy itself that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the record, the Court finds Judge Pohorelsky’s R&R as to attorney’s fees and costs to be correct, comprehensive, well-reasoned, and free of any clear error. Accordingly, the Court adopts Judge Pohorelsky’s R&R in its entirety as the opinion of the Court.

The Clerk of Court is directed to enter judgment consistent with this Memorandum and Order and to close this case.

SO ORDERED.

s/ ENV

ERIC N. VITALIANO
United States District Judge

DATED: Brooklyn, New York
April 11, 2013